UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,318	08/04/2000	Terry Warren	72189/98103A	1696

33356 7590 04/07/2004

SOCAL IP LAW GROUP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

EXAMINER	
CHANNAVAJJALA, SRIRAMA T	
ART UNIT	**PAPER NUMBER**
2177	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 23

Application Number: 09/632,318
Filing Date: August 04, 2000
Appellant(s): WARREN, TERRY

Mark A Goldstein
For Appellant

NEW - EXAMINER'S ANSWER

In response to "ORDER RETURN TO EXAMINER" by BPAI, decision mailed on March 16, 2004, Examiner hereby withdrawn previous "Examiner's Answer", paper no. 21 and issues the "NEW-EXAMINER'S ANSWER", paper no. # 23 in response to the appeal brief filed 04 October 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-42 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,253,216	Sutcliffe	06 2001
6,026,368	Brown et al	02 2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutcliffe et al. [hereafter Sutcliffe], US Patent No. 6253216 further in view of Brown et al. [hereafter Brown], US Patent No. 6026368.

2. As to Claims 1,11,21,31,41, Sutcliffe teaches a system which including 'customized Internet access client user interface' [see Abstract, fig 1, col 2, line 54-67, col 5,line 60-64,], examiner, customized internet access client user interface corresponds to user-defined information for use in a network or internet envionrnment, 'selecting a first program object from a first set of available program objects based in

part upon profile data associated with a local device' [col 8, line 18-22], Sutcliffe teaches template page in which several fields have been provided, such as user ID field, field name, value field and like as detailed in fig 4, further Sutcliffe also suggests for example personal page menu element 160 that may be accessed from a personals On-line network [see col 8, line 34-35], examiner interpreting local device corresponds to the devices which are connected to the network for example printer, display device and like [see fig 1]. As best understood by the examiner, Sutcliffe teaches user interface, personal page menu and template, further it is also noted that template is a world wide web style page design which includes graphics and page layout information, also Sutcliffe suggests user entries or selections makes personalized template page [see col 8, line 47-54], therefore, Sutcliffe specifically teaches user interface template, and software is typically is part of the Sutcliffe's system because Sutcliffe teaches for example HTML, HTTP protocols that are related to Internet for receiving and sending of information, examiner interpreting profile data corresponds to Sutcliffe's user information table that specifically directed to collect user information as detailed fig 3, element 126, program objects corresponds to Sutcliffe's menu, images, icons and like as detailed in col 10, line line 63-64, col 9, line 26-27, 'selecting a first program resource from a first set of available program resources based in part upon the profile data' [Abstract, col 5, line 8-14, col 6, line 39-61], examiner interpreting program resources corresponds to commands, scripts or CGI program, Unix Shell and like as suggested in col 6, line 46-50, line 65-67], 'sending the first program object to the local device' [col 7, line 24-30, line 44-51], 'sending the first program resource to the local device' [fig 1col 2,

line 54-61, col 6, line 1-5], local device corresponds to remote user's computer terminal as detailed in fig 2, element 70, further it is noted that first program, second program, third program that are associated with template, program resources are well known in the art because these programs and resources are part of client-server network architecture [col 6, line 27-30] , more specifically Sutcliffe specifically directed to personals on line network includes at least one server computer which can be accessed by remote users, further local computer network also has at least one computer software program and at least one database to maintain user defined information as detailed in col 2, line 35-39, fig 1-2; 'local device to associate the first program object with the first program resource to form a first program component [Abstract, col 2, line 30-39], 'local device to assign the first program component to a first slot associated with a template for an Internet access client user interface' [col 3, line 1-5, col 8, line 34-39, line 42-46, fig 1-2], template corresponds to Sutcliffe's template as detailed in fig 4A, element 188, slot corresponds to various fields that are related to template page layout information as suggested in col 8, line 50-54]. It is however, noted that Sutcliffe does not teaches 'rules', more specifically 'first rule', 'second rule',' third rule', 'fourth rule', 'fifth rule'. On the other hand, Brown et al. teaches rules, more specifically rules that is related to various program objects [see fig 6, element 101,110, col 9,line 34-36], examiner interpreting rules corresponds to more than one rule, in other words, first rule, second rule and like, further it is noted that Brown specifically teaches rule_id that uniquely identity the specific rule, examiner interpreting first rule, second rule and like are identified by rule_id[see table 7].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al., into providing personal page information on a network of Sutcliffe et al. because both are directed to accessing on-line network, more specifically Brown et al. directed to on-line interactive system for providing content and information to the users [see Abstract, fig 1], Sutcliffe is directed to remote user accessing network, specifically remote users accessing template page using Internet [see Abstract, fig 1-2], and they both are directed to interactively retrieving information and both from the same field of endeavor. One of ordinary skill in the art at the time of the invention would have been motivated to modify Slutcliffe's fig 2 to incorporate "RULES" that are related to various program objects of Brown et al. because that would have allowed users of Sutcliffe's remote users to authorize other to users not only access personal page but also maintain rule related information in the user information table of Sutcliffe's fig 3, further control which relative information of individual users based on user ID satisfies his or her needs as suggested by Brown et al. [51-62], thus improving reliability, quality and versatility of the system.

3. The elements of Claims 3,6,13,16,23,26, and 33, 36 are rejected in the analysis of Claim 1,11,21,31, 41 above and rejected on that basis.

4. As to Claim 2, 12,22, and 32, the limitations of this claim have been noted in the rejection of Claim 1,11,21,31 above. In addition, Sutcliffe teaches 'local device defining the template and defining slots associated with the template for receiving program

components, said slots comprising the first slot and second slot' [fig 3, 4A, col 8, line 47-54], first and second slots are part of the personal page menu element 160, further it is noted that template may have a number of fields that include user selection or entries which personalize the template page as suggested in col 8, line 49-54]. On the other hand, Brown et al. teaches rules, more specifically rules that is related to various program objects [see fig 6, element 101,110, col 9,line 34-36], examiner interpreting rules corresponds to more than one rule, in other words, first rule, second rule and like.

5. As to Claims 4, 14,24,34, Brown teaches a system which including 'sending the first and second rules to the local device is performed during a first session' [col 16, line 64-67, col 17, line 30-35, table 9], 'sending the third rule to the local device is performed during a second session, the second session occurring in time before the first session' [col 13, line 28-36, col 20, line 50-62, table 11, table 9], Brown specifically teaches rule_id that uniquely identity the specific rule, examiner interpreting first rule, second rule and like are identified by rule_id, similarly first session, second session and like corresponds to session Id that identifies current user session as detailed in table 9.

6. As to Claims 5,8,15,18,25,28,35,38, Brown teaches a system which including 'profile data is received from the local device' [col 7, line 25-31], on the other hand, Brown teaches session [see table 9], first session, second session and like corresponds to session Id that identifies current user session as detailed in table 9.

7. As to Claims 7,17,27,37, Brown teaches a system which including 'first and second rules are set as a single rule' [fig 6, element 101, 110, col 13, line 28-34, table 7], Brown specifically teaches for example rule editor, element 110 for editing rules based on rule_id, examiner interpreting first and second rules would have been possible edited to set as a single rule as new rule for specific target contents or profile of segments analysis as suggested by Brown col 13, line 61-64.

8. As to Claims 9,19,29,39, Sutcliffe teaches a system which including 'first program resource is an executable computer program programmed to cycle through available customized user interfaces' [fig 1-2, col 6, line 38-45, col 7, line 24-30], examiner interpreting customized user interfaces corresponds to Sutcliffe's displaying of personal page template col 8, line 55-56.

9. As to Claims 10,20,30,40, Sutcliffe teaches a system which including 'profile data comprises statistics regarding use of client application associated with the local device' [col 5, line 8-15, also see fig 3, fig 5], statistics regarding use of client application corresponds to fig 3.

10. As to Claim 42, Sutcliffe teaches a system which including 'selecting the first program object and the first program resource are further based in part upon profile data associated with the local device' [col 8, line 18-22], Sutcliffe teaches template page in which several fields have been provided, such as user ID field, field name, value field

and like as detailed in fig 4, further Sutcliffe also suggests for example personal page menu element 160 that may be accessed from a personals On-line network [see col 8, line 34-35], examiner interpreting local device corresponds to the devices which are connected to the network for example printer, display device and like [see fig 1], further it is noted that Sutcliffe teaches program resources [col 5, line 8-14, col 6, line 39-61], examiner interpreting program resources corresponds to commands, scripts or CGI program, Unix Shell and like as suggested in col 6, line 46-50, line 65-67], profile data associated with the local device corresponds to fig 3 because user ID are associated with respective template(s), client Ids.

(11) Response to Argument

a) At page 6 line 6-9, Claim 1 applicant argues 'Examiner is referring to a server sending.....Internet browser, where as the claim recites an Internet access client.....

As to the above argument [a], examiner notes that Sutcliffe et al., clearly provides specifically a network element fig 2, element 10 that including for example various users are connected to Internet service provider allowing to access various web site(s) as detailed in fig 2. As best understood by the examiner Internet client or Internet access client machine which provides commands to a server and is serviced by the server, typically Internet access Client machine is operated by an end user and functions responsive to user commands, while Web browser or Internet browser is a program running on a user-operated client computer, when a user accessing the web using a browser, the browser acts as an internet tour guide allowing the client machine to display various tools such as pictorial desktops, directories and supported by the server, it is also noted that Internet browser or browser is a program which is particularly tailored for facilitating user requests for web pages [see fig 1-2] and is common knowledge in the art.

b) In response to Applicant's assertions in the Appeal Brief, at page 6, line 13-19, Claim 1, "selecting a first program object from a first set of available program objects based in part upon profile data associated with a local device". Examiner notes that Sutcliffe clearly provide for computer network, more specifically accessing Internet by

remote users [see Abstract], Sutcliffe also teaches for example various available program objects such as Ad taking pagination information, Call Management, Computer telephone integrator, Audio text system, centralized automated polling system and like as detailed in fig 1, it is further noted that Sutcliffe also teaches all these systems or resources including software application programs are accessible over the internet, specifically common gate way interface or CGI as detailed in col 6, line 46-50, Examiner also noted that Sutcliffe teaches for example profile data, more specifically in the form of template fields information table as detailed in fig 3, element 134. As best understood by the examiner, Sutcliffe teaches profile data through personal page to select a template and using HTML objects and CGI programs as detailed in col 8, line 18-22.

c) At page 6, line 25-27, Claim 1, applicant argues, Sutcliffe fails to teach or suggest program objects as recited in claim 1.

As to the above argument [c], Sutcliffe clearly teaches remote user may select menu to view personal page, uploading images, permission granting or locate the specific record on the computer network using CGI programs, further a CGI program is executed that combines the page attributes in a selected template page as detailed in col 9, line 26-30, line 64-67, col 10, line 53-55, line 63-64, therefore, Sutcliffe teaches program objects that not only allows remote users for selected template page and but also display to the remote user in a world wide web page [col 10, line 1-5].

d) At page 7, line 1-5, Claim 1 recites an Internet access client. The examiner asserts that the Internet.....In no place does claim 1 mention the use of Internet web broser.....

As to the above argument [d], as best understood by the examiner, computer network of Sutcliffe's fig 1-2 consisting of a collection of web sites that offer text and graphics and like, accessed by remote users, further the internet client program also known as browser runs on users' computer and provides for example navigation operations such as viewing web pages as well as links [col 6, line 39-45], also examiner asserts that Interent access client is obvious over the prior art because at minimum Sutcliffe specifically directed to Internet or World wise web environment [Sutcliffe: fig 2, col 1, line 28-34], further internet web servers supports clients and provides information is also common knowledge in the art [see Advisory action paper no. # 18].

e) At page 7, line 17-20, Claim 1, Examiner has failed.....assigning a first program component to a first slot.....

As to the above argument [e], as best understood by the examiner, Sutcliffe teaches user defined template(s), and templates field information as detailed in table 134, also it is noted that template fields may include image, text, icon, background, HTML or HTML table fields and like [col 7, line 56-65]. Also, Sutcliffe teaches user may

choose various options related to template pages such as color schemes, background attributes and they are associated with template object or program [see col 8, line 66-67, col 9, line 1-8], therefore, template corresponds to Sutcliffe's template as detailed in fig 4A, element 188, slot corresponds to various fields that are related to template page layout information as suggested in col 8, line 50-54.

f) At page 8, line 20-22, Claim 1, Brown fails to teach or suggest 'sending a first rule to the local device.....

g) At page 8, line 22-24, Claim 1, 'sending a second rule to .....

As to the above arguments [f-g], As best understood by the examiner, Brown is directed to on-line interactive system for providing content and advertising information to the users, more specifically providing information to the users over network, further Brown specifically directed to on-line information services in which rules that maintain relationship between various contents for example targeting objects such as users, or subscribers, content locations, and like as detailed in fig 6, col 13, line 33-37. It is also noted that user has the ability to modify or create new rule for accessing target information over the network that corresponds to user-defined rules that associated with individual entity records, therefore, both Sutcliffe, Brown teaches template for Internet access client user interface, in addition to that Brown specifically teaches rules and rule editor as detailed in fig 6.

h) At page 8, line 27, applicant argues that there is no motivation to combine the teachings of .....

In response to applicant's argument [h] that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al., into providing personal page information on a network of Sutcliffe et al. because both are directed to accessing on-line network, more specifically Brown et al. directed to on-line interactive system for providing content and information to the users [see Abstract, fig 1], Sutcliffe is directed to remote user accessing network, specifically remote users accessing template page using Internet [see Abstract, fig 1-2], and they both are directed to interactively retrieving information and both from the same field of endeavor. One of ordinary skill in the art at the time of the invention would have been motivated to modify Slutcliffe's fig 2 to incorporate "RULES" that are related to various program objects of Brown et al. because that would have allowed users of Sutcliffe's remote users to authorize other to users not only access personal page but also maintain rule related information in the user information

table of Sutcliffe's fig 3, further control which relative information of individual users based on user ID satisfies his or her needs as suggested by Brown et al. [51-62], thus improving reliability, quality and versatility of the system..

i) At page 9, line 13-16, applicant argues, "to the extent the limitations recited in claim 1 are included in the other independent claims 11,21,31,41 the arguments in the preceding.....

As to the argument [i], examiner applies above Claim 1 arguments to other independent claims 11,21,31,41.

For the above reasons, it is believed that the rejections should be sustained

Respectfully submitted,

Srirama Channavajjala
Primary Examiner
Art Unit 2177

sc
March 24, 2004

Conferees

Robinson, Greta
Primary Examiner, AU2177

Kindred, Alford
Primary Examiner,AU2172

NETZERO INC.
2555 TOWNSGATE RD.
WESTLAKE VILLAGE, CA 91361.